



The War and the Neutral Powers.

By MARK H. JUDGE.

Proposal for a Conference of Neutral Powers.
Peace Conferences at The Hague and International Law.
Letter to Forty-four Foreign Ministers.
Some Opinions on the Proposal.
Meetings and Resolutions.
The International Law Association.

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Great Britain and the European Crisis.

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Any profits arising from the sale of this work will be sent to the Belgian Relief Fund, as a mark of sympathy and respect for the Belgian nation, and especially for the University of Louvain.

The War and the Neutral Powers.

By MARK H. JUDGE.

Proposal for a Conference of Neutral Powers.

ON August 28th, I addressed a letter to Dr. Baty, Honorary Secretary to the International Law Association, in which it was urged that the nations who joined in The Hague Peace Tribunal, other than those taking part in the great European war, should at once appoint representatives to attend a Conference which should consider and pass judgment upon the present situation. There are many things which should be done, and which can only be done by a body representing the neutral Powers.

I asked whether it is not the province of the neutral Powers to take notice of any infringement of International Law by belligerents; and whether the neutral Powers should not take some action whenever the rights of a neutral Power are trespassed upon.

The compensation for so awful a calamity as the present war can only be found in an ending which shall make its repetition an impossibility. To ensure this will tax to the utmost the efforts of

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all who desire to see a reign of law substituted for the license of physical force. We have not only to defeat the military despotism which has its centre in Prussia, and to secure ourselves against its revival, but we have to see that no other military despotism shall be established. This can only be done by the civilized nations setting up International Courts with some form of International Police to keep order between the nations, as the National Courts and Police keep order between individuals.

From every point of view it would seem to be of the first importance that a Conference on this subject should be held at the earliest possible moment.

Could not the International Law Association do something to bring this about by appealing to the whole of the neutral Powers? Might not the Association ask the President of the United States to take the initiative by inviting the neutral Powers to send representatives to a Conference at The Hague forthwith?

Dr. Baty replied that his Council could hardly meet before October, and recognising that "time is of importance" he sent a copy of the letter to Dr. Jitta, temporary President of the International Law Association.

Since the letter was written we have witnessed the

vandalism at Louvain and Rheims, which affects the whole world and not only the belligerents engaged in the war. Such events in a country which desired to remain neutral cannot be silently tolerated by the neutral Powers who were parties to the Conventions which have been broken.

No meeting of the International Law Association has yet been held. Copies of the first edition of this pamphlet have now been sent to the Ministers of the whole of the Powers who took part in The Hague Conference of 1907, with a special appeal to the United States (following the precedent of 1907), to invite the Neutral Powers to meet in Conference at as early a date as possible.

Senator Elihu Root, President of the American Society of International Law at Washington, and Mr. Joseph H. Choate, President of the American Society for the Judicial Settlement of International Disputes have also been communicated with.

November 14th, 1914.

All who approve of a Conference of the Neutral Powers being convened are invited to communicate with Mr. Mark H. Judge, 7, Pall Mall, London, S.W.

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Peace Conferences at The Hague and International Law.

THE Second International Peace Conference was convened at the instance of the President of the United States of America. It assembled at The Hague on the 15th of June, 1907, for the purpose of "giving fresh development to the humanitarian principles which served as a basis for the work of the First Conference of 1899."

How representative the Peace Conference of 1907 was can best be shown by setting out the names of the 44 States whose representatives took part in its proceedings.

Argentine Republic.

Austria-Hungary.

Belgium.

Bolivia.

Brazil.

Bulgaria.

Chile.

China.

Colombia.

Denmark.

France.

Germany.

Greece.

Guatemala.

Holland.

Italy.

Japan.

Luxemburg.

Mexico.

Montenegro.

Nicaragua.

Norway.

Panama.

Paraguay.

Persia.

Peru.

Portugal.

Republic of Cuba.

Republic of Dominica.

Republic of Ecuador.

Republic of Hayti.

Republic of Venezuela.

Rumania.

Russia.

Salvador.

Serbia.

Siam.

Spain.

Sweden.

Switzerland.

Turkey.

United Kingdom of Great
Britain and Ireland.

United States of America.

Uruguay.

The Conference sat till the 18th of October, 1907, and fourteen Conventions were agreed to, some of which have an important bearing on the situation brought about by the present war, as will be seen from the following quotations, which are taken from the British Blue Book Report of the proceedings:—

“ Convention (IV.) concerning the Laws and Customs of War on Land. His Majesty the German Emperor, King of Prussia; [Here follow the names of the Rulers of the other 43 States joining in the Convention] * * * * * have agreed upon the following:—1. The Contracting Powers shall give instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention. * * * * * 3. A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.”

The Regulations annexed to the Convention include the following:—“ Military Authority over the Territory of the Hostile State. * * * * * 46. Family honour and rights, individual life, and private property, as well as religious convictions and worship, must be respected. Private property may not be confiscated. 47. Pillage is expressly forbidden. * * * * * 50. No collective penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which it cannot be regarded as collectively responsible. * * * * * 56. The property of local authorities, as well as that of institutions dedicated to public worship, charity, education, and to science and art, even when State property, shall be treated as private property. Any seizure or destruction of, or wilful damage to, institutions of this character, historic monuments and works of science and

art, is forbidden and should be made the subject of legal proceedings.”

“Convention (V.) respecting the Rights and Duties of Neutral Powers and Persons in War on Land. * * * * *

1. The territory of neutral Powers is inviolable. 2. Belligerents are forbidden to move troops or convoys, whether munitions of war or supplies, across the territory of a neutral Power.”

Articles in each Convention provide that any of the Contracting Powers may withdraw from the Convention, but “only on the expiry of one year after the notification has reached the Netherlands Government.” *

If International Law has any existence, the Articles here quoted from these Conventions form part of it, and whenever they are violated by a belligerent the violation should immediately receive the attention of every neutral Power who was a party to the making of the law; and in order that any decision arrived at may be impartial, action after a Conference of the neutral Powers would seem to be more desirable than independent action by separate States, however important.

On the 3rd of October a letter was addressed to the Minister for the Netherlands as follows:—

“At the Peace Conference at The Hague in 1907 the German Empire, with 43 other States, entered into certain

* All the Conventions proposed were not agreed to. Many of the Powers wished to enter into a Convention prohibiting the discharge of explosives from balloons. The German Government would not agree to this proposal.

Contracts, or Conventions—one of which (IV.) had reference to ‘the Laws and Customs of War on Land, and another (V.) to ‘the Rights and Duties of Neutral Powers and Persons in War on Land.’

“Each agreement contained a provision under which the ‘Contracting Powers’ might withdraw from the Convention, but ‘only on the expiry of one year after notification has reached the Netherlands Government.’

“Will you please inform me whether the Netherlands Government has received from the German Government any notice of withdrawal from one or more of these Conventions? And, if so, on what date?”

The Minister replied on October 5th to the effect that the desired information as to any notices received by the Netherlands Government relative to withdrawals from the Conventions of The Hague should be obtained from the Secretary-General of the Court of Arbitration at The Hague, to whom an application was at once made.

On October 9th the Secretary-General wrote as follows :—

“In reply to your inquiry of the 6th instant, I have the honour to inform you that the International Bureau of the Permanent Court of Arbitration has not received any communication on the part of the German Government relating to the questions mentioned in your letter (referring to Conventions IV. and V.).”

The Conventions IV. and V. form part of what is described in the Blue Book as the “Final Act of the Second Peace Conference.” It closes with a table of the “Signatures affixed and reservations made up to June 30, 1908, when, by virtue of the Final Act, the period within which the above instruments must be signed expires, with the exception, however, of Convention XII.” *

* Miscellaneous. No. 6 (1908) Final Act of the Second Peace Conference, held at The Hague in 1907. Presented to both Houses of Parliament, July 1908. Foolscap, 150 pages. Price 1s. 3d. Wyman & Sons, Ltd.

The only reservation made by Germany in regard to Conventions IV. and V., was to Article 44 of the Regulations annexed to Convention IV., viz.:—"A belligerent is forbidden to compel the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence."

Convention IV. was signed on behalf of all the States represented with the exception of China, Spain and Nicaragua. The only States not signing Convention V. were China and Nicaragua.

Thus Conventions solemnly made by the German Government with the civilized nations of the whole world are, within seven years, utterly disregarded by that Government, which has invaded the territories of two Neutral Powers, declared in these Conventions to be inviolable, and in one case has bombarded unfortified cities and laid waste the country side. Luxemburg protested but was too weak to resist. Belgium protested and is valiantly resisting. The other Neutral Powers who were parties to the Conventions cannot but condemn and protest against this outrage on one of the first principles of civilized life. To fail in doing so would be to condone this breach of International Law, and, indeed, to invite the German Government to invade any other neutral territory that may stand in its way. The least the Neutral Powers can do is to meet in Conference to consider forthwith how they should deal with the situation which Germany's breach of their and her own Conventions has brought about.

Letter to Forty-four Foreign Ministers.

7, PALL MALL, LONDON, S.W.,

November 6th, 1914.

To His Excellency the Minister of Foreign Affairs.

YOUR EXCELLENCY,

I have the honour of writing to inform you of the passing of certain resolutions by Meetings at Folkestone and in London.

On October 25th, the Mayor of Folkestone presided over a Meeting in the Town Hall there, when the following Resolution was passed unanimously:—

“That whereas the invasion of Belgium and Luxemburg by Germany was in violation of the Conventions of 1907, solemnly entered into and signed by Germany and 41 other States, this meeting is strongly of opinion that it is the duty of the Neutral Powers who were parties to the Conventions to take serious notice of this disregard of International Law, which has led to so terrible a sacrifice of human life and the wanton destruction of many noble architectural monuments and innumerable homes of a people who desired to be neutral in the war declared by Germany on other Powers.”

On October 27th a Meeting was held in the Whitehall Rooms, London, when the writer of this letter was elected to preside. A resolution identical with that passed at Folkestone on October 25th was carried unanimously, and the Chairman was requested to forward copies to the Foreign Ministers

of the 44 States which took part in the Peace Conference at The Hague in 1907.

While sending you copy of the resolutions, as given above, I send you two pamphlets in which upwards of forty writers from different standpoints give expression to their views on the proposal for the calling of a Conference of the Neutral Powers to consider forthwith how they should deal with the situation brought about by the terrible European War, which has already actively extended to Asia and Africa.

A special appeal is made to the United States of America to follow the precedent of 1907 and invite the Powers to meet in Conference at as early a date as possible.

The nations in arms are in effect asking for this Conference of the Neutral Powers. They are printing in the languages of the other Powers White Books, Orange Books, Grey Books and other documents in which they seek the verdict of the Neutral Powers. It is urged that this verdict can only be satisfactorily given after the Powers have met in Conference and carefully considered the whole of the circumstances and weighed the whole of the evidence offered by the contending Governments in justification of their actions.

I trust that Your Excellency may at no distant date be able to transmit to me for the information

of those on whose behalf I write, a message that your Government will do all it can to bring the desired Conference into being.

I have the honour to subscribe myself,

Your Excellency's faithful servant,

MARK H. JUDGE,

*Chairman of the Meeting
at the Whitehall Rooms.*

This letter to the Foreign Ministers of the 44 States which took part in The Hague Peace Conference of 1907, with the first edition of the pamphlet on The War and the Neutral Powers, was forwarded on November 6th as printed above, with the exception that in the cases of Austria-Hungary, Belgium, France, Germany, Japan, Montenegro, Serbia, Turkey and the United Kingdom, the final paragraph read as follows:—

“ I trust that Your Excellency may at no distant date be able to transmit to me for the information of those on whose behalf I write, a message that your Government would welcome the desired Conference.”

Eearly editions of the incomplete pamphlet sent to neutral countries were welcomed, and applications are coming for a further supply. Writing from Stockholm, on October 28th, Senator Edvard

Wavrinsky says "I would be much obliged for a dozen copies of the pamphlet, it ought to be widely spread."

There can be no doubt that the appeal to the Neutral Powers would be greatly strengthened by the immediate sending of the pamphlet to numbers of public men and associations in these countries throughout the world, as well as to the Members of both our own Houses of Parliament, Members of the Privy Council, the Municipal Corporations, Chambers of Commerce, and other public bodies.

To do this will involve considerable expenditure, and it is hoped that those who feel it should be done will contribute towards the cost of doing it.

Some Opinions on the Proposal.

MR. JUDGE has received letters from which the following are quotations :—

Mr. Frederic Harrison, D.C.L. :—" I entirely agree with the proposal. Hope that the Belgian Commission to U.S.A. will effect some result."

Lord Kinnaird :—" I sincerely hope that Germany's conduct will be brought before all the Powers."

Dr. G. B. Hunter (D.Sc., Wallsend-on-Tyne) :—" I entirely agree with your letter. I think in addition to the protest and appeal against the infringement of International Law by the German armies, some organised method should be adopted by which the people in Germany and Austria should be made acquainted with what has really been done, and with the fact that this is purely a war of aggression by the German Government against France, Russia and England, which only desired peace."

Sir Henry Vansittart-Neale, K.C.B. :—" I quite agree with your views as expressed in your letter on the War."

Mr. Hugh Richardson (Newcastle-on-Tyne) :—" Your proposal for a meeting of The Hague Conference is heartily approved."

Dr. E. C. Clark (late Professor of Civil Law, Cambridge) :—" I entirely agree with your proposal as a measure for the future. At present I think all, who care for the existence of an International Law at all, will best employ their efforts in backing the attempt of Belgium to bring to bear on neutral Powers, like the United States and Italy, clear evidence as to Germany's violation of rules to which those Powers have agreed."—Later :—" By all means send your pamphlet to the Ministers of the Neutral Powers. Wider distribution would also seem desirable,"

Mr. A. Vernon Harcourt, F.R.S.:—"Of course I agree with you. It seems a matter of the greatest moment that the charges of violation of the agreed limitations of the horrors of war should be investigated while evidence is fresh, by an impartial and competent tribunal."

Professor W. M. Flinders Petrie, F.R.S.:—"The calling together of the neutral Powers in The Hague Tribunal would be very desirable; but it would be dangerous unless its purpose was carefully defined. When Power is proclaimed supreme, it must be equally met by Power. Regardless of all precedents Germany should be made to give as full compensation as possible to those countries which have suffered; and she must be deprived of the possibility of such lawlessness again."

Rev. Bernard J. Snell, M.A.:—"I heartily agree with the suggestion that the Neutral Powers should be called together forthwith."

Mr. A. N. de Beauchief (Hayward's Heath):—"The course suggested is, I think, highly desirable."

Mr. T. C. Horsfall (Nr. Macclesfield):—"Much gratitude to you for your admirable exertions in support of International morality."

Mr. J. G. E. Wedgwood (Nr. Colchester):—"I am wholly in sympathy."

Mr. Guy Hayler (South Norwood):—"I heartily agree that The Hague Tribunal should be called together immediately."

Mr. Julius Bertram (late M.P. for North Hertfordshire):—"I am most interested in your effort to consolidate opinion regarding the horrible experience of non-combatants at German hands and to arouse an expression of their views from those who would assert the sanctity of International

Law, so ruthlessly disregarded by the most highly placed Germans. My belief is that this war will be the end of wars among the civilized peoples of the world. When it is over and the Prussian military caste broken and blotted out, there will be an opportunity to find means for enforcing compliance with the terms of International Law and Articles of Conferences at The Hague."

Mr. C. F. Ryder (Thurlow, Suffolk):—" *Inter arma silent leges* —but surely all laws, human and divine, should not be 'held up' when men are fighting? Surely neutrals, where interests are so widely affected, have a right to some say in the present conflict? Amid the thunder and flames of war the combatants cannot see either the principles of International equity or their own actions in cold light, and it is the duty of every neutral to remind them of their obligations. Germany must be punished for her attack on Belgium, but in International relations, as in private life, the idea of revenge should be reduced to its smallest limits."

Mr. Herbert Weld-Blundell:—"Certainly the neutral Powers should be called together. An infringement of International Agreements is a direct outrage on all Neutrals who are signatories, and should range them on the side of forcible insistence of these Agreements being carried out."

Mr. C. H. Everard (East Grinstead):—"I am in most hearty sympathy with your letter. The sanctity of Treaties is the basis of International morality."

Rev. Paul Revere Frothingham (Boston, U.S.A., late Preacher to Harvard University):—"I wish you every success in the efforts you are making."

Professor Edward Hull, F.R.S.:—"I entirely concur in the desirability of a Conference of the neutral Powers."

Mr. Thomas Hardy:—"There seems to me great weight in the proposal for a Conference of the neutral Powers to draw the attention of the world to infringements of International Law by belligerents."

Senator Edvard Wavrinsky (Sweden, Member of the Inter-Parliamentary Council):—"I most heartily and entirely agree that a Conference of the neutral Powers, without a moment's delay, should be called. The Permanent Bureau of The Hague Tribunal, the Superintendent Council of the Palace of Peace and the Inter-Parliamentary Bureau ought immediately to set to work."

Rev. Walter Walsh, D.D.:—"Not less in the interests of Germany herself than in the interests of civilisation which must proceed by International Law do I approve the proposal for a Conference of the neutral Powers who were parties to the establishment of The Hague Tribunal."

Rev. J. C. Carlile (Folkestone):—"I have read your letter with great interest, and entirely agree that strong action should be taken to get a Conference at The Hague. There are many points upon which the Peace Tribunal should speak, unless the whole movement is to belie our hopes."

Dr. F. Arthur Sibly (LL.D.):—"Neutrals and law-abiding belligerents would both benefit greatly by the suggested Tribunal. If it could do nothing more than investigate and pronounce upon alleged violations of the laws of war its existence would be amply justified. It could, however, do much more than this. It is surely time that neutrals should combine, not merely to protect their own interests but to punish inhumane infractions of the laws of war. Such infractions at present go wholly unpunished unless the aggrieved belligerent has resort to the dreadful expedient of reprisals. There are several means short of actual war by

which neutrals can bring effective pressure to bear upon belligerents, and the awards of a neutral Tribunal could be easily enforced."

Sir Arthur Clay, Bt. :—" There is urgent need for all the influence that The Hague Peace Tribunal can bring to bear in support of International Law, and although I agree with Dr. E. C. Clark in thinking that at the present time the proposal to summon a Conference of neutral Powers is rather premature, the ventilation of the subject will be useful and will prepare the way for action when the situation is clearer."

Mr. Henry A. Wilshire (Sydney, N.S.W.) :—" ' Rheims '—could we have a more striking illustration of the necessity for a Conference of the neutral Powers?"

Mr. J. Lewis Paton (Head Master of the Manchester Grammar School) :—" What we are fighting for is the restoration of law in Europe. Without law there is no liberty. Law must have an organ to formulate its verdict—to enforce it. We have no other centre we can look to for this except The Hague Tribunal. ' The laws are mute amid the clash of arms,' says the Latin saying. But it is just when all the ordinary laws of civil life are mute and passion runs high, that there should be another and a higher law making itself heard,—a law formulated by the civilised nations, accepted by them and therefore binding upon them."

Lady Margaret Sackville :—" The Neutral Powers will certainly render incalculable service to the world if they undertake to register as accurately and impartially as possible all infringements of International Law. A clear and persistent statement of the case would in itself produce good results. It should help towards that thorough awakening of an International conscience, which is the most profoundly to

be desired development at present—for without such a conscience there can be neither justice nor peace.”

Mr. T. F. Victor Buxton:—“It is curious that, while much has been made—and rightly—of the infraction of the treaties regarding Belgium and Luxemburg, public attention has been so little directed to Germany’s breach of International Law by disregard of The Hague Conventions. You have done a public service in pointing out so forcibly this aspect of the case; and I hope that in due time the Neutral Powers may take cognizance of it.”

Mr. A. Yusuf Ali (late of the Indian Civil Service):—“Force had to be met by force, and we have nothing to be ashamed of in a righteous war in defence of precious principles evolved by centuries of international history. But we recognise that force is not the remedy for force. If the Neutral Powers could meet in Conference and, after careful consideration, formulate their opinions, it would be difficult for their collective pronouncement to be resisted.”

Rev. Edgar Daplyn, F.R.S.L.:—“The wonder of every sane man is that the Neutral Powers have remained silent. Whatever can help to bring them into line with their own Hague Conference pledges would be a moral gain to themselves as well as to the whole of Europe.”

Rt. Hon. Dr. Robert Farquharson (M.P., West Aberdeenshire, 1884-1906):—“If the resolutions passed unanimously at The Hague Conferences are to be anything more than pious opinions, it seems to me essential that some such machinery as you propose should be devised to give effect to these declarations and to denounce the atrocities recently perpetrated under the cloak of German civilisation. Therefore I am heartily with you.”

Mr. Edward Wood (late Chairman of the Building Societies Association):—"I agree with your proposal. If the Conference meets, it should ascertain whether any of the belligerents have violated the Articles to which they were parties at The Hague Conference, and, if so, steps should be taken to exact justice for the aggrieved nations. It is useless making regulations unless they can be enforced, or punishment inflicted for their violation."

Sir Arthur W. Pinero:—"I quite agree with the proposal to call the Neutral Powers together. But I am in doubt as to whether it is not a little early to do so at this moment. Perhaps, however, there is no harm in taking steps in the matter, and so paving the way to the Conference."

Mr. Robert A. Smith, M.I.E.E.:—"I have read your pamphlet with the greatest interest, and most sincerely congratulate you upon the lucidity with which your argument winds up."

Lt.-Col. R. J. Fynmore (Sandgate):—"No doubt if Peace Congresses are any use at all, those who agree to certain regulations during war should be bound by them."

Mr. W. Bridgman-Evans:—"It is absolute waste of time for nations to formulate any rules by which they agree to be bound, if there is no way of adjudicating upon infractions of these laws, and of visiting the law-breakers with, at least, the punishment of world-wide disapproval. In my own opinion, it is really a disgrace that nations should feel that they can stand aside and watch the grossest infractions of the laws of war and of the common laws of humanity without making a protest, and without taking such joint action as shall tend to prevent a recurrence of these infractions."

Mr. Edwin Evans, L.C.C.:—" Unless effect is given to your proposal one will be lost in wonder as to what The Hague Tribunal was established for."

Mr. Chas. F. Spink (Spink & Son, Ltd., St. James's):—" Is it not a satire on The Hague Convention that your letter was even necessary? Of what earthly use is such a Convention if the provisions of International Law may ruthlessly be infringed by any Power?"

Mr. Henry Rutherford, Barrister-at-Law (Roxburghshire):—" I agree with what you have written on the War and the Neutral Powers."

Jonkheer de Jong Von Beek en Donk (The Hague):—" With great interest I received your pamphlet, and thank you very much for it. The question is one of right and duty."

Mr. Ernest E. Williams, Barrister-at-Law :—" The neutral nations are too punctilious in the observance of their neutrality. Some of them have good reasons, or excuses, for not imbroiling themselves in the devastating conflict; your proposal affords such nations the opportunity of doing something to save the good name of the human race, without danger of infringing their obligations as neutrals."

The Rt. Hon. Thomas Burt, M.P., Mr. Alex. E. Carroll (Dublin), Sir Victor A. H. Horsley, F.R.S., M.D., Mr. John Kempster (Editor, *Police Review*), and Mr. H. E. Luxmoore (Eton), send their " sympathy and approval."

Meetings and Resolutions.

FOLKESTONE is realising to the full the horrors of war so far as this is possible away from the scene of carnage. Night and day the wounded, and the refugees from Belgium arrive and bring home some idea of the suffering that has befallen a neutral Nation because it stood up for International Law. It is only natural for the people of Folkestone to feel very strongly on this matter. Lieut.-Colonel Stephen Penfold, the Mayor, presided over a meeting in the Town Hall on October 25th. He was supported on the platform by the Rev. J. C. Carlile, Mr. C. E. Mumford, the Deputy Mayor, and many members of the Borough Council. The following resolution was passed unanimously on the motion of Mr. Mark H. Judge, seconded by Councillor Arthur Stace :—

“ That whereas the invasion of Belgium and Luxemburg by Germany was in violation of the Conventions of 1907, solemnly entered into and signed by Germany and 41 other States, this meeting is strongly of opinion that it is the duty of the Neutral Powers who were parties to the Conventions to take serious notice of this disregard of International Law, which has led to so terrible a sacrifice of human life and the wanton destruction of many noble architectural monuments and innumerable homes of a people who desired to be neutral in the war declared by Germany on other Powers.

“ Further, that the Chairman be asked to send a copy of this Resolution to the Ministers of each of the Neutral Powers.”

At a meeting at the Whitehall Rooms, London, S.W., on October 27th, Mr. Mark H. Judge in the Chair, a resolution identical with the resolution passed at Folkestone on October 25th was proposed by Mr. Edwin Evans, L.C.C., seconded by Dr. Walter Walsh, and supported by speech or letter by Mr. Frederic Harrison, Mr. A. Vernon Harcourt,

F.R.S., Professor W. M. Flinders Petrie, F.R.S., Sir Arthur Clay, Lady Margaret Sackville, Sir H. Vausittart-Neale, K.C.B., Mr. Julius Bertram, Mr. T. C. Horsfall (Macclesfield), Mr. Hugh Richardson (Newcastle-on-Tyne), Mr. Guy Hayler, Rev. Edgar Daplyn, Mr. C. E. Everard (East Grinstead), Dr. E. C. Clark (late Professor of Civil Law, Cambridge), Sir Arthur W. Pinero, Lt.-Col. Richd. J. Fynmore, and Mr. T. F. Victor Buxton.

The resolution was passed unanimously.

An "Academy" Article.

From the "Academy" of November 14th.

IN the "Academy" of September 12 we published a letter which Mr. Mark H. Judge had addressed to the International Law Association, in which he urged that the nations who joined in The Hague Peace Conference of 1907, other than those taking part in the present war, should meet in conference to take notice of infringements of international law by any of the belligerents. He appealed to the Association to bring the matter to the notice of the neutral Powers, and especially to ask the United States of America to take the initiative in calling the conference together. In his letter Mr. Judge said, "The compensation for so awful a calamity as the present war can only be found in an ending which shall make its repetition impossible," and he submitted that this could "only be done by the civilised nations setting up International Courts, with some form of International Police." The International Law Association received the letter on

August 28, but from that day to this neither the Association nor its Council has held any meeting.

The Honorary Secretary of the Association recognised the importance of the letter, and sent it on to Dr. D. Josephus Jitta, temporary President, at The Hague, who published a reply which is startling, for in it he says: "This period of war is very peculiar for an International Association acting in the sphere of law. Our Association was founded shortly after the war of 1870-71, in order to promote peace and goodwill among men. Now, this purpose is in the greatest peril. The present war is much more extensive than the war of 1870-71. The wound for our Association is much deeper than the mere postponement of a conference, yet the possibility is not excluded that after the war the work may be resumed again. In order to safeguard the hope of the future, our Association is bound to remain strictly neutral and impartial. It must do this, or cease to act as an international body. . . . I must express the opinion that a conference of the neutral Powers, during the actual period of the war, would be without general utility and not without danger. . . . The conception of a Court of Neutral Powers—without acknowledged jurisdiction—inquiring into infringements of the settled International Law may be theoretically sublime; practically it is not feasible. . . . As to the conception of an International Police, it seems an illusion in time of peace and a folly in time of war."

Dr. Jitta's reply was evidently intended as a *non plus*, but was not so taken by Mr. Judge. He pressed forward with his proposal, and succeeded in getting together a body of supporters, who met and agreed to bring the proposal for a conference before the Powers without further delay. In his pamphlet on "The War and the Neutral Powers," Mr. Judge

gives quotations from upwards of forty writers on the proposal, including the following: Mr. Frederic Harrison, D.C.L.; Mr. Thomas Hardy; Lord Kinnaid; Dr. G. B. Hunter; Dr. E. C. Clark (late Professor of Civil Law, Cambridge); Mr. A. Vernon Harcourt, F.R.S.; Professor Flinders Petrie, F.R.S.; Dr. F. Arthur Sibly; Mr. Lewis Paton (Headmaster of Manchester Grammar School); Mr. T. F. Victor Buxton; Sir Arthur Pinero; and Senator Edvard Wavrinsky (Sweden).

A letter to the Foreign Ministers of the 44 States who took part in the Hague Peace Conference of 1907, with the pamphlet on "The War and the Neutral Powers," was forwarded on November 6.

[Here follows the full text of the letter.]

A strong case has been made out for a conference. Some of the opinions given in the pamphlet have great force, for example the following:—

Mr. Thomas Hardy:—"There seems to me great weight in the proposal for a Conference of the Neutral Powers to draw the attention of the world to infringements of International Law by belligerents."

Mr. J. Lewis Paton (Head Master of the Manchester Grammar School):—"What we are fighting for is the restoration of law in Europe. Without law there is no liberty. Law must have an organ to formulate its verdict—to enforce it. We have no other centre we can look to for this except The Hague Tribunal. 'The laws are mute amid the clash of arms,' says the Latin saying. But it is just when all the ordinary laws of civil life are mute and passion runs high, that there should be another and a higher law making itself heard,—a law formulated by the civilised nations, accepted by them and therefore binding upon them."

Mr. C. F. Ryder:—"Inter arma silent leges—but surely all laws, human and divine, should not be 'held up' when men are fighting? Surely neutrals, where interests are so widely affected, have a right to

some say in the present conflict? Amid the thunder and flames of war the combatants cannot see either the principles of International equity or their own actions in cold light, and it is the duty of every neutral to remind them of their obligations."

Dr. F. Arthur Sibly:—"It is surely time that neutrals should combine, not merely to protect their own interests but to punish inhumane infractions of the laws of war. Such infractions at present go wholly unpunished unless the aggrieved belligerent has resort to the dreadful expedient of reprisals. There are several means short of actual war by which neutrals can bring effective pressure to bear upon belligerents, and the awards of a neutral Tribunal could be easily enforced."

The International Law Association.

THE publication of the appeal to the International Law Association on August 28th last, in which the Association was asked to use its influence to bring about a Conference of the Neutral Powers to consider the situation brought about by the breaking of The Hague Conventions of 1907, led to a number of letters being addressed to Dr. D. Josephus Jitta, the President of the Association. As a reply to these letters Dr. Jitta published the letter which is quoted at some length by the "Academy" in its article of November 14th.

This reply was a great disappointment to all who hold that solemn contracts between nations should be held as sacred as contracts between individuals. In effect Dr. Jitta gives it as his opinion that the International Law Association, established for upwards of forty years to "promote peace and goodwill among men," must fold its arms now that international contracts are being broken right and left in the heart of Europe, and must content itself with the hope that "after the war the work may be resumed."

Dr. Jitta says the "Association is bound to remain strictly neutral and impartial." The appeal made to the Association did not ask it to be otherwise than impartial. To refuse to recognise an outrage one sees committed is not to be impartial, it is in effect siding against the victim of the outrage. If International Law has any existence at all, the Conventions of The Hague of 1907 form part of it, and whenever violated by a belligerent should receive the attention of every Neutral Power that was a party to the making of the law. Germany was a party to the Convention which provided that "belligerents are forbidden to move troops or convoys, whether munitions of war or supplies, across the territory of a Neutral Power." Is it nothing to the other Neutral Powers that Germany has violated the neutral territory of Belgium?

It is to be hoped that the members of the International Law Association will soon meet and agree that the defence of the rights of the Neutral Powers is the one thing which is of the first importance to them at the present moment. If the rights of Belgium may be violated without protest why not the rights of all Neutral Powers one by one?

The letter of its President surely cannot be the last word of the Association on this terrible war which has devastated a country which desired to take no part in it. For the International Law Association to close its doors till the close of the War would be on a par with a strike of Police during a riot. It is when tried that laws should be maintained or amended. Offenders must not be allowed to set them at naught. By the action of the German Government personal liberty throughout the whole world is threatened.

M. H. J.

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